

AMENDMENT
March 20, 2006

YOR920030249US1
Serial No. 10/644,210

REMARKS

Claims 1 – 29 remain in the application and stand rejected. Claims 25 – 29 are objected to. Claims 1, 2, 4, 10, 11 and 26 – 27 are amended herein. The rejection of the claims is respectfully traversed.

The specification and in particular, the Abstract, is objected to for containing informalities. The Abstract is objected to, because the opening phrase is not a complete sentence. In objecting to the Abstract, MPEP §608.01(b) is cited as a basis for the objection. However, MPEP §608.01(b) specifically includes form paragraph 6.16 which provides in pertinent part that with respect to the Abstract, the applicant "should avoid using phrases which can be implied, such as, 'The disclosure concerns,' 'The disclosure defined by this invention,' 'The disclosure describes,' etc." Imposing any of these exemplary phrases into the Abstract, clearly completes the sentence, which is typically the case with any number of issued patents. Since, any of those specific phrases are implicit with the opening phrase of the Abstract, the Abstract is not informal. The Abstract is amended herein, however, because it was not coextensive with the claims. Reconsideration and withdrawal of the objection to the specification is respectfully requested.

The claims are objected to for being misnumbered and the last 5 claims were renumbered claims 25 – 29 by the examiner. Claims 26 – 29 are amended herein to correct dependency for the renumbered claims 25 – 29. Reconsideration and withdrawal of the objection to the claims is respectfully requested.

Claim 2 is amended to correct antecedent basis for "cache input data" at line 1. No new matter has been added.

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Claims 1 – 29 are rejected under 35 U.S.C. §102(e) over published U.S. Patent Application No. 2004/0010675 to Moritz. The rejection is respectfully traversed.

Generally, it is asserted that claim 1 is taught by Moritz Figure 4 and paragraphs 0105 – 0109. Although no specifics are provided as to how the claims are read on any of the details of Moritz Figure 4 or the specific description of paragraphs 0105 – 0109, it is asserted that Moritz teaches “a cache buffer as a multi-bank structure as a cache memory having multiple ways with the ways being equivalent to banks (e.g., see Figure 4);....” As far as the applicant can tell, Moritz Figure 4 shows 4 storage arrays (Data Arrays at Way 0 – 3) and everything else in Figure 4 is directed to addressing these 4 storage arrays. None of these 4 storage arrays are shown to be buffered, before or after the array. The applicant could find nothing anywhere in Moritz to lead one to believe that these 4 storage arrays communicate with one another. Moritz also shows a Tag-cache 210, but that is not a cache buffer, before or after (an input buffer or an output buffer) the 4 storage arrays. Moritz discusses “Moving the TLB [translation buffer] to Lower Levels in the Memory Hierarchy or TLB-less Operation” at paragraph 0106. However, a translation buffer is just an address buffer for translating one address to another. See, e.g., paragraph 0102. Thus, a translation buffer is not an input buffer or an output buffer and certainly does not contain data. Be that as it may, however, claims 1 and 10 are amended herein to recite that the cache buffer contains “most recently accessed data,” which is supported by claims 4, 11 and 19 (step (c)).

Regarding claims 4, 11 and 19 (step (c)), it is asserted for claim 4, for example, that “Moritz teaches an **output buffer containing most recently accessed data**, ones of the tags in the tag memory associated with the most recently accessed data as a CAM based Tag-Cache (e.g., see paragraph 0105).” (emphasis added.) There is nothing in Moritz, was far as the applicant can tell that teaches “an output buffer containing most recently accessed data,” as the Office action asserts. If this rejection is to be maintained, then a specific citation to element number in figure 4 and the exact quote from paragraph

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0105 must be provided, rather than a general indication that it is shown somewhere in the figure and taught somewhere in that paragraph. Such specific information is needed to give the applicant a fair opportunity to properly respond to this allegation. "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, **must be clearly explained** and each rejected claim specified." 37 CFR §1.104(b)(2) (emphasis added). *See also*, MPEP §707. Accordingly, if this allegation, that Moritz teaches a cache buffer that may include an input buffer and an output buffer and contain the *i* most recently accessed data entries, cannot be supported by specific elements and teachings within Moritz, then the rejection under 35 U.S.C. §102(e) must be withdrawn.

As far as the applicant can tell, Moritz fails to teach a cache buffer that contains "most recently accessed data," as recited by claims 1 and 10, as amended, or teach "selectively loading accessed data from said storage array to an output buffer, a number of most recently accessed data blocks being held in said output buffer" as claim 19 recites. Therefore, Moritz does not teach the present invention as recited in claims 1, 10 or 19.

Furthermore, because dependent claims include all of the differences with the cited reference as the claims from which they depend, claims 2 – 8, 11 – 18 and 20 – 29, are neither taught, nor suggested by Moritz, alone or, further in combination with any reference of record. Reconsideration and withdrawal of the rejection to claims 1 – 29 under 35 U.S.C. §102(e) over Moritz is respectfully requested.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner reconsider and withdraw the objection to the specification and

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claims, reconsider and withdraw the rejection of claims 1 – 29 under 35 U.S.C. §102(e) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 50-0510 and advise us accordingly.

Respectfully Submitted,



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(Date)

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